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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/635,586
Filing Date: August 06, 2003
Appellant(s): GILBERT ET AL.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 22, 2008 appealing from the Office action mailed August 21, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0018796	LORTZ	1-2003
6,499,031	HOPMANN	12-2002
2003/0014644	BURNS	1-2003
6,880,005	BELL	4-2005

5,930,479	HALL	7-1999
2002/0083331	KRUMEL	6-2002

.(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann et al. (US Pat. No. 6,499,031, hereinafter “Hopmann”).

As to claims 1 and 11, Lortz shows a systems administration policy enforcement method, and a machine readable storage having stored thereon a program for causing a machine to perform such a method (inherent to any computer-implemented system), comprising:

responsive to a request (comprising a “resource request”: see Fig. 4C and [0043]) to perform an administrative task (the task comprising “editing”: see [0021]) directed to a resource (resource device 14) within a computing network (network 16), retrieving an administration policy comprising a set of rules for governing said administrative task (the policy comprising policy data and the rules comprising access control entries: see [0019] and [0044]-[0045]); and

permitting said administrative task only if a set of rules in said retrieved policy are satisfied (see step 310 in Fig. 4C and [0045]).

Lortz does not show retrieving state data for a resource and applying a policy to retrieved state data.

Hopmann shows retrieving state data (comprising whether or not a resource is locked) for a resource and applying a policy to retrieved state data (the policy being that a resource is only available if it does not have a lock token: see lines 7-9 of col. 1 and col. 8, line 65 to col. 9, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz with the evaluation of state data as taught by Hopmann in order to prevent administrative task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

As to claims 2 and 12, Lortz in view of Hopmann shows the limitations of claims 1 and 11 as applied above, and Lortz further shows providing a user interface for establishing said set of rules for said administration policy (see lines 7-10 of [0031]); and storing said administration policy for subsequent retrieval in said retrieving step (see lines 1-5 of [0035]).

As to claim 9, Lortz shows a system administration policy enforcement system comprising:

an administration policy comprising a set of rules for permitting and disallowing administration of resources in a system hosting a plurality of interdependent resources (the policy comprising policy data and the rules comprising access control entries: see [0019] and [0044]-[0045]);

a policy evaluation component configured to determine whether rules in said administration policy are satisfied (comprising the component which determines whether or not to grant a client access, as described in [0045]); and

an exit routine coupled to a resource in said network, said exit routine having logic for forwarding requests to administer said resource to said policy evaluation component (the exit routine comprising the component which receives the resource request and initiates the evaluation process: see [0044]).

Lortz does not show the policy evaluation component configured to retrieve resource state data and determine whether said retrieved resource data satisfies rules in said administration policy.

Hopmann shows retrieving resource state data (comprising whether or not a resource is locked) and determining whether said retrieved resource state data satisfies rules in an administration policy (the policy being that a resource is only available if it does not have a lock token: see lines 7-9 of col. 1 and col. 8, line 65 to col. 9, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz with the evaluation of state data as taught by Hopmann in order to prevent administrative task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PG PUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Bell et al. (US Pat. No. 6,880,005, hereinafter "Bell").

Lortz in view of Hopmann shows the limitations of claim 1 as applied above, and additionally shows permitting an administrative task only if information satisfies a set of rules in a retrieved policy (see Lortz, [0045]). Lortz in view of Hopmann does not show retrieving environmental information, or permitting the administrative task where the information is environmental information.

Bell shows retrieving environmental information for a computing network (the information comprising the current weekday, and the retrieving being inherent to evaluating a policy which dictates that information can only be accessed during specified days of the week: see col. 3, lines 27-30 and col. 2, lines 16-20). Bell further shows permitting an administrative task only if the environmental data satisfies a set of rules in a policy (see col. 3, lines 27-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lortz in view of Hopmann with the environmental data and policy evaluation of Bell in order to ensure that administrative tasks are allowed to occur only during specified times.

Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PG PUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Burns et al. (US PG PUB 2003/0014644, hereinafter "Burns").

As to claims 4 and 14, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and show retrieving state data for said resource as applied above, but do not show retrieving state data for other related resources in said computing network.

Burns shows retrieving state data for other related resources in a computing network (see [0038]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the state retrieval of Burns in order to determine why a policy rule was not being upheld and correct the problem if possible (see Burns, [0014]).

As to claims 5 and 15, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and further show disallowing said administrative task if said further retrieved state data fails to satisfy said set of rules in said retrieved policy (see step 310 of Lurtz), but do not show identifying a related resource having a related resource state giving rise to said state data for said resource failing to satisfy said set of rules in said retrieved policy; requesting remediation of said related resource state so that said related resource state satisfies said set of rules in said retrieved policy; and further permitting said administrative task subsequent to a remediation of said related resource state.

Burns shows identifying a related resource having a related resource state giving rise to state data for a resource failing to satisfy a set of rules in a retrieved policy (see lines 1-9 of [0039] and lines 6-10 of [0044]); and requesting remediation of said related resource state so that said related resource state satisfies said set of rules in said retrieved policy (see [0044]-[0045]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lortz in view of Hopmann with the identification and remediation system of Burns in order to ensure that retrieved policies are upheld even when the state of the network and its components change (see Burns, [0011]).

It is noted that the method of Lortz in view of Hopmann and Burns would permit said administrative task subsequent to a remediation of said related resource state, as the system would have no reason to disallow the task if the related resource state were remediated.

As to claims 6 and 16, it is noted that the steps of disallowing, identifying, requesting, and further permitting are performed autonomically; that is, without the invention of a human operator.

As to claims 7 and 17, it is noted that the steps of disallowing, identifying, requesting, and further permitting as applied above are performed recursively for each related resource whose state gives rise to a failure of said resource to satisfy said retrieved policy (see Burns, [0045]).

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PG PUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Hall (US Pat. No. 5,930,479).

Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and further show inserting an exit routine in an administrative interface of said resource (the exit routine comprising the component which receives the resource request and initiates the evaluation process, and the administrative interface being the necessary interface through which the client requests the resource: see [0044]), said exit routine having a configuration for forwarding requests to administer said resource to a policy evaluation component programmed to

perform said steps of retrieving, further retrieving, applying, permitting (the forwarding being necessary to initiate the request to the policy manager and evaluate the received policy data: see [0044]-[0045]), but do not show that the administrative interface is an administrative console.

Hall shows an administrative interface comprising an administrative console (see Fig. 11 and lines 39-58 of col. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the administrative console of Hall in order to provide a familiar interface through which clients may make task requests (see lines 53-56 of col. 16).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PG PUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Krumel (US PG PUB 2002/0083331).

Lortz in view of Hopmann show the limitations of claim 9 as applied above, but do not show a rules engine coupled to said policy evaluation component and configured to retrieve said set of rules on behalf of said policy evaluation component. Krumel shows a rules engine configured to retrieve rules (see lines 5-8 of [0096]). It would have been obvious to one of ordinary skill in the art to modify the invention of Lortz in view of Hopmann with the rules engine of Krumel in order to speed development by using pre-existing software products to perform the rule retrieval. See also paragraph [0023] of applicant's specification, which explains that rules engines are well-known in the art.

(10) Response to Argument

The examiner will respond to Appellant's arguments in the order they were presented.

Claims 1-2, 9, and 11-12

Appellant argues, in connection with claim 1, that Lortz fails to show the claimed "request to perform an administrative task." Appellant indicates that "[a] clue as to whether or not a particular task could be considered an 'administrative task' is whether the entity performing the task has administrator privileges or is simply a general user" (pages 6-7 of brief). Appellant then contends that the "resource request" taught by Lortz is not performed by an "administrator," but Lortz clearly shows that access is granted based on privilege levels which include "owner" and "editor" (see [0021]). The Examiner submits that resource requests which require "owner" or "editor" privileges, especially in light of Appellant's indication that the level of permission associated with the request is key to proper construction, may reasonably be interpreted as "administrative tasks."

Appellant further argues that "accessing a resource alone (as taught by both Lortz and Hopmann)" does not disclose the claimed "administrative task." However, the Examiner again submits that since the level of permission associated with a task is key to determining whether or not it is "administrative," the "resource request" taught by Lortz meets the claim.

Appellant further argues that Hopmann fails to teach the claimed "state data for said resource," because "[a] lock is external to the resource and does not reflect the state of the resource." The Examiner disagrees. First, nothing in the claim language requires that the state data be "internal" to the resource. Second, the lock reflects the state data of the resource in that it indicates the resource is currently being edited. In other words, resources in Hopmann have

several states: unlocked, locked and inaccessible to other clients, and locked but viewable to other clients (see col. 3, line 60 to col. 4, line 2).

Claims 3 and 13

For claims 3 and 13, Appellant incorporates the arguments from claims 1 and 11. The examiner disagrees for the reasons given above.

Claims 4-7 and 14-17

Appellant argues, in connection with claim 4, that one of ordinary skill in the art would not have been motivated to retrieve state data for other related resources in a computing network when the administrative task of Lortz “does not appear to be affected by the ‘other related resources’ in the computing network.” The Examiner notes that the claim language does not require that the retrieval of other related resources have anything to do with the nature of the administrative task.

Burns is directed to a system which seeks out and discovers the states of a multitude of resources on a network in order to determine which resource is causing a policy to fail. For example, if the policy is that a client should have access to a specific resource, and it does not, Burns determines which network element is preventing the client from accessing the resource. The examiner submits it would have been obvious to one of ordinary skill in the art at the time the invention was made to retrieve the state data for related resources in order to determine why a policy rule was not being upheld and correct the problem if possible (see Burns, [0014]).

Appellant further argues, in connection with claim 5, that the “configurable parameters” taught by Burns are not comparable to “a related resource having a related resource state” and the locked/unlocked state of Hopmann, and that Burns does not teach “requesting remediation of

said related resource state.” The Examiner disagrees. In [0044], Burns teaches a network component (such as a router or firewall) being in a state which prevents packets from being transmitted to a server to which the client should have access. For example, the network component could be improperly configured, causing it to drop packets. In the combination proposed by the Examiner, the system would fail to satisfy a rule which indicates that a client should have administrative access to a resource that is not locked. The network component (such as a router or firewall) would be in a state (a state of improper configuration) that is giving rise to the failure. The system of Burns requests a remediation of the related resource state (i.e., an altering of the configuration parameters) so that the related resource state satisfies said set of rules in said retrieved policy (i.e., that the related resource state permits access to the resource). The combination would permit said administrative task subsequent to a remediation of said related resource state, as the system would have no reason to disallow the task if the related resource state were remediated. Thus, the Examiner submits that the combination presented above meets the limitations of the claim.

Claims 8 and 18

For claims 3 and 13, Appellant incorporates the arguments from claims 1 and 11. The examiner disagrees for the reasons given above.

Claim 10

For claim 10, Appellant incorporates the arguments from claim 9, which stands or falls with claim 1. The examiner disagrees for the reasons given above.

(11) Related Proceeding(s) Appendix

Art Unit: 2145

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/C. B./
Christopher Biagini
Examiner, Art Unit 2142

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